

REMARKS

The Official Action of December 3, 2008, and the prior art cited and relied upon therein have been carefully reviewed. The claims in the application are now claims 1, 3-9 and 11-13, and these claims should now be in condition for formal allowance consistent with what is stated in the Official Action. Accordingly, favorable consideration and early formal allowance are respectfully requested.

Acknowledgement by the PTO of the receipt of applicant's papers filed under Section 119 would be appreciated.

Claims 2 and 3 have only been objected to as being dependent on a rejected base claim, but are otherwise indicated as being directed to allowable subject matter. Applicant accordingly understands that these claims are deemed by the PTO to define not only novel and unobvious subject matter under Sections 102 and 103, but also subject matter which meets all the other requirements for patentability, including those of Section 112.

Claim 2 has been in essence rewritten in independent form by incorporate into claim 1 the subject matter of the dependent portion of claim 2. Claim 1 should therefore now be in condition for formal allowance. All the other claims depend

directly or ultimately from claim 1, and therefore they also should now be in condition for formal allowance.

Claims 10-12 have been rejected under both Sections 101 and the second paragraph of Section 112. These rejections are respectfully traversed.

Claim 10 has been rewritten in Jepson form as new claim 13, and claims 11 and 12 now depend therefrom.

These claims have now been placed in suitable form for U.S. practice whereby the rejections are obviated. Withdrawal of these rejections is in order and is respectfully requested.

Claims 1, 6, 7 and 10-12 are understood to be rejected as obvious under Section 103 from both Chen '738 and McClung '543, each individually. These rejections are respectfully traversed.

However, in view of the amendments made above whereby the amended claim 1 now corresponds to allowable claim 2, applicant need not address these rejections at the present time.

For the record, however, the amendments presented above are made without prejudice to applicant's rights to pursue such claims in a continuing application, if applicant chooses to do so, applicant in such a case relying on Sections 120 and 119.

Claims 1 and 4-12 have also been rejected as obvious under Section 103 from Chen '738 in view of Oppenheim et al WO '289. This rejection is also respectfully traversed.

Again, however, applicant need not address this rejection at the present time in view of the amendments above, made without prejudice to applicant's rights.


The prior art documents of record and not relied upon by the PTO have been noted, along with the implication that such documents are deemed by the PTO to be insufficiently material to warrant their application against any of applicant's claims.

Applicant believes that all issues raised in the Official Action have been addressed above in a manner that should lead to patentability of the present application. Favorable consideration and early formal allowance are respectfully requested.

Respectfully submitted,

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